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The EXAMINER.

From Friday *February* 13, to Monday *February* 16, 1712.

Nulla ſalus Reipublicæ major eſt, quam eos, qui alterum accuſant, non minus de laude, de honore, de famâ ſuâ, quam illos, qui accuſantur, de capite & fortunis ſuis, pertimiſcere. Cicero. *Oratio in* Q. Cæcilium.

IT is a noble Undertaking which I have for ſome time been engag'd in, to ſet my Fellow-Subjects right in their Notions of *Things*, by taking off thoſe falſe Colours, which Men engag'd in a bad Cauſe are, on that account, obliged to put upon them, in order to promote and carry on their own pernicious Purpoſes. Theſe Impoſitions and Artifices have been the general Practice of all ſorts of Cheats, Impoſtors, Diſturbers of the Publick Peace, and Innovators in Religion and Government, ever ſince the *Fall*: They firſt draw a Miſt over the Underſtanding, and then, like Crafty Dealers, bring their *periſh'd Goods* to that imperfect Light, to make them *Current* and Vendible: They weaken and deprave the Intellect, and after that, apply to it in its degenerate State; as *Juglers* darken the Room, before they begin the *Show*.

Our Misfortune is, that whilſt we take all imaginable Care to provide a Remedy for this Diſeaſe, yet we live in ſo Corrupt an Age, that many Evils ſtill prevail, tho' they are fully detected, and every Day openly expoſed; becauſe they are ſupported by Numbers, work themſelves up to a Faſhion, indulge and entertain our Britiſh Appetites, are interwoven with our Intereſts; and therefore appear no longer in Diſguiſe, but throw off the Mask, and declare themſelves publickly; when once they are aſſur'd, that all theſe moving Conſiderations cannot fail to procure them a ſtrong Party, and many avow'd Advocates and Defenders.

There is an Inſtance in this kind, which, I believe, will fully juſtifie my Remarks: A *Common Libeller* is perhaps one of the moſt odious Creatures upon Earth: He Murders in the dark, and with a Ponyard that reaches further than the Heart; for the Point of it pierces to the Reputation: The pureſt moſt unſpotted Virgin Fame is not free from his Luſt; and his Rapes exceed the common Supplies of Nature. *Envy*, the fouleſt of Hags, is but one of thoſe many Monſters that Kennel in his Boſom. He is the Emiſſary of Diſcord: A *Mother Serpent*, that ſwallows and harbours many little ones. Everlaſting War and Deſtruction, Fire and Sword, are the Labour of his Brains: He writes *Romances* of *Miſchief*, and is himſelf his own *Hero*: His Ink is a noiſome Doſe, compounded chiefly of the Author's *Gall*: He is a *Pandar* to Ambition and Tyranny: An Apoſtate from *Society*, the firſt Principle of *Humane Nature*: A Toad in the Shape of a Rational Creature, that ſucks in all the Poiſon of the *Intellectual* World, as the other does of the *Natural*: A *Conjurer* in the Commonwealth of Learning, that raiſes the Devil, by ſaying over *good Senſe* backward. The *Alphabet* is his Magazine: He muſters the *Letters*, as if they were Soldiers under his Command, drawn out for Devaſtation and Bloodſhed. And yet after all, this common Peſt, this deteſtable Thing, is not only like other *Modern Monſters*, publickly expoſed to View, as a Rarity; reſorted to far and near, and ſubſiſted upon the Revenue that ariſes from his own Deformities; but walks looſe among us, as if he really were a tame Animal; plies like a *Common Whore* in the open Streets; and not only ſo, but like her too, lives by his Character, triumphs in the Number of his *Cullies*, and is often ſent into *Keeping*.

It has ever been my Happineſs, as it is my Duty, to employ my Study and Labours in the Service of the Government: In this Cauſe I am reſolved to perſiſt; and will ſhed my *Ink*, as I would my *Blood*, in defence of the Conſtitution. Let no Man ſay, *I have made bold: I have been too free: I have uſed Liberties*: There is a guilty *Sarcaſm* in that Expreſſion, which they, who advance it, ſhould bluſh for. Is it Boldneſs to be Honeſt? Muſt we ask leave to be Loyal, or humbly intreat the Freedom of defending one's Country? I am on the Side of the beſt of *Queens*, and of *Thoſe* in Authority under *Her*; a Miniſtry, who are *Her* free Choice, and next to *Her* Self, the Favourites of Her People; who by their Conduct have approved themſelves as much the Repreſentatives of *Her* Wiſdom and Goodneſs, as of *Her* Perſon. In this Service I entred my ſelf a *Volunteer*, with no other View or Incitement, but an honeſt Zeal and a publick Spirit. I can ſay, as *Cicero* did to *Catiline* and his Crew; *I have had no Enemies but thoſe who have been equally ſo to my Country.* Againſt theſe *Aggreſſors* upon our Monarchy, Laws, and Religion, I draw my Pen, who ſtand condemn'd by the *Repreſentative Body* of the People, in their ſolemn Proceedings, as the *Grand Inqueſt* of the Nation; and by the *Collective Body*, in their unanimous *Addreſſes* and Applications to the Throne. Let thoſe who hold no other *Divine Right* but *Vox Populi*, inſult me on this Subject as long as they pleaſe. If this be *Libelling*, I am guilty: But had *Great Britain* never been Cheated, Impoveriſh'd, Oppreſs'd, Sold, Betray'd, and Drain'd of her Blood and Treaſure, I, who have no *Perſonal Animoſities*, had never open'd my Lips, or diffus'd my Ink, but in Applauſe and Panegyrick: Even their Omiſſions would have deſerv'd this Tribute: I might bate them the Obligations of doing Good, if they had never done any Evil.

For theſe Reaſons, I look with great Contempt on thoſe undiſcerning Cavillers, who are pleas'd to call a Paper written in behalf of the Government, by the Infamous Name of a *Libel*. But this commonly is the laſt reſort of wicked Men: When they are *Blown*, they try to get into a Herd, turn *Levellers* in Villany, and would repreſent others to be as bad as themſelves, in order to avoid or alleviate the Juſtice of the Law, and the Odium of being ſingular in Impiety. I know not by what ſtrange *Irony* or Precedent in *Burleſque*, this monſtrous Abſurdity ſtands ſupported: The Reflection does but glance at me, and falls more directly ſomewhere elſe: For if Writing for a Government be Criminal, that Government muſt be ſuppos'd either *Uſurp'd* or *Tirannical*. Indeed, they who dare ſpeak of the *Queen*, the *Miniſtry*, and a *vaſt Majority* of the Nation, as of a *Faction*, and repreſent them as ſo many Confederates, combining together for the utter Ruin of *Great Britain* and the *Proteſtant Religion*, are prompted by a natural Train of baſe Apprehenſions, to uſe this way of ſpeaking; that their Language may be as Corrupt as their Thoughts, and their Wickedneſs Conſiſtent and all of a Piece: With theſe Men, Loyalty may be *Libelling*, and pleading the Common Cauſe, Defamation and Calumny: But the *Law*, which is Juſt, Good, and Impartial, diſtinguiſhes a *Libel* from a Juſt *Vindication*

tion with much more Certainty and Truth; if Men would but suffer their *Opinions* at least to be influenced by it, though not their *Actions*. The Purer Part of the *Civil Law*, which obtain'd long before the Art of Printing was invented, by *Libels* must be supposed to mean such written Papers as in modern *Phrase* are more properly distinguished by the Name of *Lampoons*: These were of a private Nature, and fell directly under the Title of *Defamation*. But for that other kind of *Libels*, now more justly term'd *Pasquils*, which were Papers against the Government, affix'd on some publick Building or Place of Resort; they were a considerable Branch of the *Crimen Læsæ Majestatis*, which was the *Treason* of the *Civil Law*. The *Statute* and *Common Law* seldom mention the Word *Libel*. Actions of *Scandal* are sometimes founded on this Charge; but though these involve the offending Party in a very great share of Guilt; yet they too are of a private Nature, and not *Pleas* of the *Crown*. On the other hand, where the Government is concern'd, as in the inventing and spreading of false News, and dangerous Reports, to the disquieting of Mens Minds, and fomenting Jealousies between Prince and People; or in aspersing the Administration, and great Officers of the Crown; this is a high Offence, and was heretofore restrain'd by sanguinary Penalties. Under this Head, it is all along the Sense of the Law, that to make a *Libel*, it must regard the Publick Weal and Safety, and the Reputation of those, who have the more immediate Care of it. He who takes a *Libel* in any other Sense, may call *Indictments* Libels, as they do in *Scotland*: Such Doctrine would tickle those Patriots, who are for making their Superiors Criminal, and themselves the Judges. Was it ever thought *Libelling*, either in Old *Rome* or Old *England*, to write for a Good, a Lawful Prince, and for those employ'd by him, against a *Faction*, that disturb'd the Peace and Tranquility of his Reign? Are *Cicero*'s Orations against *Verres*, *Pliny*'s Panegyrick to *Trajan*, *Mackenzy*'s *Jus Regium*, or the Earl of *Clarendon*'s History, *Libels*? Must we every Day upbraid this unreasonable Party, who argue thus, with the Old Story of *Forty One*? And will they never cease to give us fresh Cause for that Imputation? Fighting for the King was then called *High Treason*, as endeavouring to support the Honour of the Crown, is now called *Faction*; and writing for the Constitution was by the same Rule made a Proof of *Malignancy* and *Popery*, as now it is of *Popery* only; the more Charitable Name of the Two being laid aside, to shew, That our *Moderation* does far outstrip our Forefathers.

Supported by these Reasons, and assuming to my self the rightful Title of *Anti-Libeller*, I shall not fail to communicate such Methods as are proper and justifiable for the detecting and removing of that common Nusance. If the *Drawcansirs* of the Quill, who have lately laid about them with so much Romantick Fury, were to have their Works explain'd by the same Rules and Measure of Latitude, which themselves have laid down for the Interpreting and Expounding those Authors, who are on the side of the Government, I do not know but such a thing as a *General Massacre* of *Ears* might soon follow; but my Moderation will not let me insist on this Argument: The Law would be in a fine Condition, if their evil Practices were to grow up into Custom: Neither would I have them try'd by such Precedents as their own Leaders set us, when they, who wrote for Religion and Monarchy, were so unhappy as to fall under their Displeasure. There is no necessity of using *Forc'd Constructions*, or condemning upon *Hints* and *Innuendo's*: They have not poorly Skulk'd behind any of the common Refuges of their Predecessors: Their Fury and Disappointment have put them by their usual Guard: They now openly give out, That the Government is bringing in *Popery*; ridicule all the publick Proceedings at home and abroad, and give a malicious Turn to every Transaction of State. Their Calumnies and Ribaldry upon the Great Men in Power, make such a *Rhapsody* of Falshood and Nonsense, as is not to be parallell'd in the *Cromwellian Age*: Scandal in those Days was *Cant*, but these Men pretend at least to talk common Sense. I know very well, that the Persons employ'd in this filthy Work, are commonly Creatures of mean Intellectuals, and just as much Learning as may be Glean'd up in a *Pamphlet-Shop*, only quicken'd and animated by Passion, Prejudice, Disgust, and imaginary Prospects; but after boasting of their Atchievements, their Converts, Correspondents, and Authority in *Coffee-houses*, shall they, when they come into a *Court of Justice*, be allow'd to plead *Non compos*? To say *They had no Meaning*? or, That the Names of several Great Men, written at large in their Papers, because they are to be found in *Old* History, are not to be understood of the Moderns? *Names*! that will live and be reviv'd, when theirs, who now Asperse them, shall find it their Interest to be buried in Oblivion. Must all their Quotations, Scraps, Parallels, Fables, Cases, Tales, Letters and Ballads, pass for nothing? Were they not easily understood by others, to the entire Satisfaction of the Author? Is not common Consent, that imposes a Meaning upon all Words, the best Evidence in this Case? Certainly, if there be such a Crime as *Libelling*, our Moderation ought not to set us beyond a possibility of Detecting it. There are many *Abbreviations* in the *Forms* of the *Law*, less intelligible than those used in *Pamphlets*; and yet Judgment is given upon these according to common Acceptation. About the latter End of the Reign of King *Charles* II, when the Press swarm'd with *Libels*, full of virulence against the Court and Ministry, a *Ministry* not equal to that which makes us Happy, though they are treated with much more Calumny and Malice; the Authors and Publishers of those Papers were taken up and prosecuted at Law: In one of which Cases, when the *Council* for the *Defendents* pleaded, That nothing was meant by K—g, D—— of Y—k, *&c.* and that the Letters could not be applied to the *King* and *Duke* of *York*; the *Lord Chief Justice Scroggs* told them, That those Libels were very well understood in all Parts of the Kingdom; and it would be very hard if the Judges and Court should be more Stupid and Senseless than every Body else.

A Prosecution of this Nature would be to the entire Satisfaction of all those, who value the Rights of the Subject; for nothing tends more to the weakening and endangering of Liberty, than the gross and unwarrantable Abuse of it.

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